

Exeter Planning Board
January 25, 2018
Draft Minutes

6:58 pm Called to Order by Chair, Langdon Plumer

Board Present: Nicholas Gray, Kathy Corson, Peter Cameron, Catherine Woolhouse, Aaron Brown, John Grueter, Gwen English

Also Present: David Sharples, Town Planner

Others Present: Timothy Phoenix, Esq., Todd Baker, Keith Patterson, Alison Tanguay, Corey Colwell, Brenda Kolbow, Marc Jacobs, Tim Stone, Steve Pernaw

Case One: Shanna McBurney Lot Consolidation & Lot Line Adjustment 24 & 30 River Street for Stanton McBurney Revocable Trust R2 Single Family Residential 72-91, 72-93, and 72-94
Planning Board case# 17-34

John Grueter, Alternate, Acting
Nicolas Gray, not voting

Motion to open case: Kathy Corson moved, seconded all yes

Mr. Sharples discussed lot line adjustment and merger of property at 24 and 30 River Street for the Revocable Trust R2 Single Family Residential lots 72-91, 72-93, and 72-94. Essentially, this is a merger of two lots 91 and 93 with 2400 sq feet transferred to lot 94. Three lots adjusting to two lots. Code enforcement meets all regulations and there are no issues, no public hearings needed. It meets minimal lot size dimensions of 15,000 square feet. Mr. Sharples also mentioned that the two story dwelling structure on plans in the packet given to board is not a dwelling and he asked that it be made into a boathouse near the Exeter River. He did get plans and suggested three conditions of approval: DWG file, boathouse dwelling new deeds with plot line consistent with plans shall be recorded. Staff has no further issues with plan.

Jonathan Ring of Jones and Beach, Stratham, NH discusses site map of the lot line merger in the Shanna McBurney PB #17-34.

Mr. Plumer opens discussion up for questions

Mr. Grueter questions what becomes of the gravel driveway on property.

Mr. Ring states that it is existing in a deed and remains.

Ms. Woolhouse expressed a concern regarding encroachment in the area of 2 lots, they are owned by same people. Does it makes sense to have that part of the corner resolved?

Mr. Ring states it is a patio area and that it could be removed but makes sense to let it remain.

Mr. Cameron questions the designation of the Boathouse designation.

No special designation no power boats

Mr. Gray: Confirm all resulting lots are conforming.

Mr. Sharples noted code enforcement reviewed it and its conforming.

Mr. Ring stated that it is grandfathered at existing size less non conforming.

Mr. Plumer opened the floor up for public questions or comments.

None. Back to board.

Mr Plumer motioned for approval.

Ms. English moved to approve Shanna McBurney PB Case #17-34 Lot Consolidation & Lot Line Adjustment 24 & 30 River Street Stanton Mcburney Revocable Trust R2 Single Family Residential 72-91, 72-93, and 72-94, Planning Board case #17-34 be approved with conditions DWG file of subd plans NAD 1983 state plane coordinates #2 structure boathouse and dwelling shall be removed: and 3 new deeds consistent with lot line adjustment.

***Second, all ayes

Rose Farm

Continued public hearing on the application of Exeter Rose Farm, LLC for review of a yield plan, for a proposed single – family open space subdivision on 49.95+/- acres located on Oak Street Extension and Forest Street. The subject properties are located in the R-1 Low Density Residential, R-2 Single Family Residential and R- 4 Multi-Family zoning districts. Tax Map Parcels #54-5, 54-6, 54-7, 63-205. Planning Board Case #17-27.

Nicolas Gray acting
John Guerter alternate

Floor to Atty. Phoenix, who introduced team for The Exeter Rose Farm, LLC and the principals.

Atty. Phoenix reviewed the Status of the Project and Approval Process up to this point. He discussed the Zoning Ordinance, Yield Plan requirements and addressed the Yield Plan – Site and subdivision regulations.

He presented the Specific requirements of the yield plan and the memos of Mr. Sharples and Mr. Eastman comments that were consistent with town standards. He commented that this application has also been presented for Engineer (Underwood) Peer Review.

Todd Baker, owner and President of Baker Properties discussed their objective in real estate is to identify problems and provide solutions. They have done over 20 projects and have been successful. He exhibited samples of their work, and discussed their work on the projects and how they integrated the needs of abutters and the requirements to rehabilitate properties. Mr. Baker also discussed their vision for the Exeter Rose Farm plan, the proposed value of lots and houses along with the estimated tax level and improvement for the overall community. He also

addressed the concerns of the abutters, as well as stated that Exeter is one of the largest conservation towns in New Hampshire while expressing the need of workforce housing in Exeter.

He shared the Site History Map from 1884 of the property and structures as well as the current yield plan and the total area measurements of wetlands, buffers, and buildable space. Discussed existing access and proposed access to the site as well as the estimated traffic volume.

Alison Tanguay a licensed architect has worked on single, multi family and urban design projects with an interest in arch history. She discussed the proposed neighborhood design priorities while maintaining a vision of charm and character in the neighborhood. They see the neighborhood as a less densely knit development providing recreational space, access to trails and environment in the area, restoring the spring, as well as creating a range of housing prices.

Corey Colwell of MCS Civil Engineers, Portsmouth, NH reviewed the revisions to the Yield Plan and engineering since last meeting, addressed the concerns of the neighborhood, utilities, storm surge, wetland impact, storm water, truck access. Discussed and reviewed the Boards and Regulatory Agencies. He displayed Current Yield Plan map looking at suitable areas for building, driveways, yards. He shared the Opened Space Site Plan Submission and the TRC Review. He addressed the concerns of Wetland Crossing and Impact Areas showing the culverts and crossings. Mr. Colwell also shared the Comparison of the Wetland Impacts in the WCOD and how the Rose Farm compares to the Forest Ridge and Linden Commons properties.

Mr. Colwell discussed the concern of bridges on the site and the definition of a bridge. Only one structure in the proposed stream crossing would be considered a bridge by the RSA 234.2. This structure is located at the crossing of Norris Brook. He also shares examples of Culverts and the use of retaining walls in Exeter. Explained the Analysis of Storm water drainage flows from outskirts of property towards Norris Brook and up towards Norris Brook in another location. Culvert in this area was the point of analysis for this study. Charts shows pre and post development stormwater runoff conditions in a two year, a 10 year, 29, and 50 year storms. In addition, he addressed concerns of the projected sea level rise with storm surge in regards to the sewer pump station. Provided demonstration of the construction traffic and use of flaggers during remediation and construction.

Stephen Pernaw, Pernaw and Company reviewed Traffic Evaluation and analysis of the requirements of the town, projected traffic levels and patterns based on two points of access and specific time of day. And offered an opinion on design speeds. Provided examples of previous traffic projects in town.

Marc Jacobs, Certified Wetland and Soil Scientist discussed wetland considerations and soil survey, erosion and sediment control as well as storm water management, Norris Brook wetland and shoreline crossing, and quantification and minimization of wetland impacts.

Tim Stone, Geologist with Stonehill Environmental discussed environmental cleanup at the site. Studies were done with Brownfield Assessment grants through Rockingham Planning Commission, Cadeiri. He discussed sources of contaminants as well as an overview of groundwater flow, greenhouse on site, elimination of risks, remediation goals, and impact on wells.

Keith Patterson with Exeter Rose Farm discussed Project Economics, the concern of the project being a financial burden to the town, as well as improvements of the site and the developers' costs of installations and temporary impact fees to the town, total net impact to town, direct impacts.

Atty. Phoenix summarized the application proposal of the Yield Plan and the issues surrounding the application.

Mr. Plumer opened the floor to questions of the board.

Mr. Gray thanked the applicants and inquired with regard to the meaning of "viable" as used in the Yield Plan, the concerns of the abutters and the subjective nature in the process of its approval. Discussion ensued on the meaning of "viable and feasible" in relation to the Yield Plan and the abutters' concerns.

Atty Phoenix stressed the viability of the Yield Plan and reviewed the main elements.

Mr. Colwell questioned Mr. Gray that it wasn't anything he would approve in an open space plan, but that it meets everyone of the regulations. He asked him to explain why.

Mr. Gray replied to the effect that he shares many of the concerns of the abutters, traffic impact, additional infrastructure requirements to the town, short term construction impact to the surrounding area.

Mr. Colwell questioned that based on the traffic study was that an unreasonable amount of traffic on a street.

Mr. Gray replied that in respect that an additional car a minute could change the feel of the community.

Atty. Phoenix addresses Mr. Gray stating that he believes all the conditions have been met of the Yield Plan, refers to Mr. Pernaw.

Mr. Pernaw provided additional sources for the planning of public streets.

Mr. Gray stated he was potentially prepared to vote yes on the yield plan because the owners had met the density and dimensional requirements. The abutters, however, made a good case to consider the issue of viability. He expressed the nature of the project that the number of units is integral in our final approval that's why some of these other criteria, considerations should be part of our discussion for the yield plan. He would like the planning board to ensure that some of these more subjective considerations be a part of the approval process that we don't just go by the numbers in this process.

Atty. Phoenix commented that is not what his definition and the dictionary of "viability" is and questions as to why the board changes what it has always consider for "viability" on this particular project. Plainly not fair. Not cited, but there is a lot of case law out there in NH that suppose to assist people with projects. He referred to the meetings that they have gone through and the subjective issues of the proposed requirements.

Ms. Corson questioned the Exeter Rose Farm, LLC as to why haven't they met with the abutters/neighbors in the area and addressed their concerns. She also addressed the issue of affordable housing, and the affordability of the houses/units in the new development. She also addresses the issue of the bridge in the neighborhood to get to 20 lots and box culvert and the cost of it moving forward into the future. Is it a viable plan? She went on to discuss the historical counts of units/lots and raises the issue of the burden of cost to the town.

Mr. Gray commented on the financial revenue vs cost to the town.

Mr. Colwell asserted that it is a relatively low maintenance cost associated with the infrastructure cost for this project.

Mr. Gray refers to the Court Street culvert and projected bond on that project to estimate the cost to the town for service life/maintenance.

Mr. Colwell responded with the total cost of installing the culverts would be about \$100,000.

Mr. Grueter asked if the town engineer could give his estimate on the installation of the culverts.

Mr. Cameron directs a question to the lawyers regarding the thought process at the time the rule or regulation was adopted. Referring to 7.13 and yield plan: "available and viable building develop..."

Atty. Phoenix explains the generic statements and that the property is available, viable and feasible and that it meets the requirements.

Mr. Cameron also expressed his concern of the impact of construction vehicles going through the neighborhood.

Atty Phoenix responded in saying that there is a balance between owners' rights to develop their property and the upheaval of the abutters and making it safe for the neighbors...

Tim Stone adds (summary) That there is a viable entity who is willing to take on a development project and cleanup the site or in short the town could eventually take on the cleanup of the site, though most towns don't like taking on cleaning up contaminant sites....in the long run they are going to keep the cleanup as compact as possible.

Mr. Cameron moves for a recess at 9:53.

Mr. Plumer called meeting back to order 9:55. He is satisfied with the plan and that it passes the yield plan test. He makes further comments to the board and community regarding the length of the deliberation of the yield plan application process and the arguments over bridges vs culverts.

Katherine Woolhouse said she was not satisfied with the yield plan, based on requirements that stated that it shall not require variance from existing zoning ordinances. The wetland scientist said that it requires a CUP. She discussed this during a design review she asked Dave how that works in the yield plan. If they felt that it was a CUP that they would be comfortable with granting in the yield plan. She goes on to say that the island in the eastern part of the site and

the other island that are both accessed over the wetland buffers.. She would not grant the CUP for this site. She appreciated the Underwood report. Ms. Woolhouse also discusses the purpose and access of a shared driveway off of one of the access roads. She is not comfortable with approving a lot that is going to need another CUP for access.

The discussion continued with Mr. Colwell regarding the upland area and body of water.

Mr. Brown reflected on the neighbor presentations and the work that has gone into this yield plan and application. The exchanges between the site owners and the abutter has brought about a vastly superior presentation than what was brought before the board in the past. He also added feedback and addressed the pushback on the cleanup of the site and what is going on presently there versus the long term effect. He addresses Underwood and listening to all parties. He believes that this plan is a complete application...and goes on to offer his thoughts that this would be a suitable site for more units.

Mr. Grueter asks whether the trucks that are cleaning up the lead, etc. are going out of Oak Street or after Wadleigh Street is extended.

***Reply was Oak Street.

Mr. Grueter asked as to a better understand of what the box culvert / bridge would cost. He addressed the language and the unique/unconventional layout of the site. He doesn't believe that it would be feasible to put that many lots on the property.

Ms. English states this is a unique yield plan. Expressed concern for Maura Faye and family who lives at the top of Oak Street. She worries about what affects the project will have on the foundations of the homes in the area over the long run. Work items to consider for the future: dialogue with Maura Faye and so the family doesn't have to absorb financial responsibility from the effects of the construction. Board needs to think what to do for the neighbors going forward, questions about the bridges – soften her stance on that; questions about the pumping stations and responsibilities over them.

Mr. Sharples offers input as to the pump station private or public and the responsibility over it.

Ms. English commented and asked about the recreation area and the terrain there and wondered the viability of that area to support recreation and access. Are there more than enough areas to cover recreation?

Mr. Colwell responded to the question that there is another access point from across lot 11 or 12 to avoid going across steep ravines.

Ms. English comments about the runoff going into Norris Brook and concerns about nitrogens from lawns etc. going into the brook.

Mr. Plumer concluding comment that land is getting scarce in Exeter. Last house was built on forest lot. The challenges are bought partly on the availability of land in Exeter.

Mr. Sharples outlines the review period of the application and the requirements of extension at this point.

Mr. Plumer asked if board needed to extend applicants time now.

Mr. Sharples replied no. Next meeting is February 8th.

Board discusses of the next steps to get to the February 8th meeting.

Ms. Corson expressed concerns for Mrs. Gallagher and the two wetland crossing and would like to see them out of the Yield Plan.

Mr. Sharples asked if it would be helpful for the board to understand past practice on this type of situation.

Mr. Cameron suggests that if the board is going to deny, it would be helpful for the board to know what the words mean and why the applicant hasn't met them.

Mr. Sharples agreed. He suggested looking at prior plans.

Ms. English questioned the applicant for the future, the size of trucks getting into and out of the neighborhood.

Mr. Brown to Mr. Sharples questioned the time frame of the approval / denial process.

Mr. Sharples affirmed that the board did not deny the application.

Atty. Phoenix asked board if there is anything else that they need for applicant to present at the next meeting.

Mr. Plumer replies to consider the truck route of removing soil/construction equipment.

Chairman did not recognize the public due to the late hour of the meeting.

Motion to table case to February 8th

Mr. Cameron asked for clarification of plans for February 8th.

Mr. Plumer replied that it will be a continuation of the hearing to hear brief presentation from abutters. He will not accept a long presentation.

Mr. Plumer called for a motion to table case to February 8th.

Mr. Brown motioned.

Ms. Corson seconded the motion.

Mr. Plumer called for a voice vote.

All yes. No nays. No abstentions.

Public exits.

February 8th at 6pm to meet with both councils with an alternate February 8th 8am.

All agreed

Mr. Plumer Motion

Bond Reduction

Sterling Hill PB Case # 24-23

Bond release from DPW Jen Metz 71,321 be released to owner.

Mr. Plumer motioned for approval.

Mr. Cameron moved for approval of bond release.

Ms. Corson seconded motion for approval of bond release.

Mr. Plumer called for vote.

All in favor. Yes.

Oposed. None

Abstain. None

Mr. Cameron motioned to adjourn meeting at 10:49pm.

Ms. Corson seconded.

All in favored. Yes.

Respectfully Submitted,

Kellie Dietz